

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 STEVEN L. SCOTT,

7 Plaintiff,

8 v.

9 JAMES COX, et al.,

10 Defendants.
11

Case No. 2:17-cv-00702-JAD-BNW

**ORDER AND REPORT AND
RECOMMENDATION**

12 Presently before the Court are three motions, which the Court will address in turn.

13 First, Plaintiff filed a motion to amend his complaint. ECF No. 53. Defendants' opposed
14 this motion (ECF No. 57), and Plaintiff replied (ECF No. 65). Plaintiff also filed a second motion
15 to amend, seemingly in response to some of Defendants' objections. *See* ECF No. 58 (motion for
16 leave to file second amended complaint). Defendants did not oppose this motion. Accordingly, the
17 Court will recommend that Plaintiff's first motion to amend (ECF No. 53) be denied as moot and
18 grant Plaintiff's second motion to amend under LR 7-2(d).

19 Plaintiff also filed a motion for an extension of time to serve certain defendants and
20 sought clarification of which defendants had been served. ECF No. 54. Defendants responded,
21 clarifying which defendants had been served and which had not. ECF No. 60. Defendants also
22 stated that they did not oppose a short extension of time to serve the remaining unserved
23 defendants. *See id.* Accordingly, the Court will grant Plaintiff's motion for an extension of time to
24 serve defendants Johnny Youngblood and Dr. George Leaks.

25 IT IS THEREFORE ORDERED Plaintiff's motion for leave to file a second amended
26 complaint (ECF No. 58) is GRANTED.

27 IT IS FURTHER ORDERED that the Clerk of Court must detach and file Plaintiff's second
28 amended complaint (ECF No. 58-1).

1 IT IS FURTHER ORDERED that Plaintiff's motion for an extension of time to serve
2 defendants Johnny Youngblood and Dr. George Leaks (ECF No. 54) is GRANTED.

3 IT IS FURTHER ORDERED that the time for service upon defendants Johnny Youngblood
4 and Dr. George Leaks is extended an additional sixty days from today's order.

5 IT IS FURTHER ORDERED that the Clerk of Court send Plaintiff three blank copies of
6 form USM-285.

7 IT IS FURTHER ORDERED that Plaintiff shall have twenty days in which to furnish the
8 U.S. Marshals Service with the required USM-285 forms.¹ On the forms, *Plaintiff must leave blank*
9 *the defendants' last-known addresses*. The U.S. Marshals Service will acquire these addresses from
10 the Attorney General's sealed filing at ECF No. 24.

11 IT IS FURTHER ORDERED that the Clerk of Court issue summonses, under seal, to
12 defendants Johnny Youngblood and Dr. George Leaks, using the addresses under seal at ECF No.
13 24.

14 IT IS FURTHER ORDERED that the Clerk of Court serve a copy of this order, the sealed
15 and issued summonses, and the operative complaint (ECF No. 58-1) on the U.S. Marshals Service.

16 IT IS FURTHER ORDERED that upon receipt of the USM-285 forms from Plaintiff, the
17 U.S. Marshal shall, in accordance with Federal Rule of Civil Procedure 4(c)(3), attempt service on
18 defendants Johnny Youngblood and Dr. George Leaks at their last known addresses, filed under
19 seal at ECF No. 24.

20 IT IS RECOMMENDED that Plaintiff's motion to file an amended complaint (ECF No.
21 53) be DENIED as moot.

22 DATED: August 31, 2020

23
24 

25 BREND A WEKSLER
26 UNITED STATES MAGISTRATE JUDGE

27 _____
28 ¹ The U.S. Marshals Service is located at 333 South Las Vegas Boulevard, Suite 2058, Las Vegas,
Nevada 89101.